

Steven M. Bessette et al.  
Appl. No. 10/759,177

Atty. Docket No. WFG-4380-151

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REMARKS/ARGUMENTS

Claims 25-26 are pending. Claims 1-25 and 27-36 are canceled without prejudice or disclaimer of the subject matter they contain. Claims 29-36 were previously withdrawn from consideration in response to the June 6, 2006, Restriction Requirement. In an effort to advance prosecution, claim 25 is amended to encompass potentially infringing subject matter. No new matter has been added. By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to file continuing applications to cover disclosed subject matter not encompassed by the currently pending claims.

Entry of the above amendment(s) is proper under 37 C.F.R. § 1.116 because the amendment(s): (a) places the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issues requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout the prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and/or (d) places the application in better form for appeal, should an appeal be necessary. The above amendment(s) was not earlier made because the issues raised in the final rejection were not previously of record. Thus, entry is respectfully requested.

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**REJECTION UNDER 35 U.S.C. § 102(b)**

The Office Action rejects claims 25-27 under 35 U.S.C. § 102(b) as allegedly being anticipated by Samid (U.S. Patent No. 5,605,930) or Elson (U.S. Patent No. 6,133,312).

Applicants respectfully traverse this rejection.

Neither Samid nor Elson disclose or suggest the features of the presently claimed invention, namely a method for inhibiting the growth of breast cancer cells using a therapeutically effective amount of eugenol. Reconsideration and withdrawal of this rejection are respectfully requested.

**CONCLUSION**

If anything further could be done to place the above-captioned patent application in better condition for allowance (i.e., via Examiner's Amendment), then please contact the undersigned attorney at the telephone number listed below.

Applicants hereby request any extension of time deemed necessary for entry of this submission (including attachments thereto) and any submission filed hereafter in this application or any continuing application(s). Applicants make a Conditional Petition for any relief available to correct any defect in connection with this filing, or any defect remaining in this application after this filing. The Commissioner is authorized to charge any petition fee or any deficiency in fees filed, or asserted to be filed, or which should have been filed herewith (or with any paper

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filed hereafter) to Deposit Account No. 14-1140 or credit any overpayment of fees to such  
Deposit Account; please use Reference No. WFG-4380-151.

Respectfully submitted,

NIXON &amp; VANDERHYE P.C.

Date: June 8, 2007By: 

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document (including any paper referred to as being attached or enclosed) is being sent to the  
U.S. Patent and Trademark Office via facsimile transmission to (571) 273-8300 on the date indicated below, with a  
cover sheet addressed to Commissioner for Patents, U.S. Patent and Trademark Office.

Date: June 8, 2007By: 

Willem F. Gadiano / Reg. No. 37,136